

12/05/97

Please type a plus (+) inside this box

jcs59 U.S. PTO

PTO/5B/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

8757-009

Total Pages

130

First Named Inventor or Application Identifier

Todd C. Peterson *et al.*

Express Mail Label No.

EM 061 036 352 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
Submit an original, and a duplicate for fee processing
2. ☒ Specification [Total Pages 130]
(preferred arrangement set forth below)
-Descriptive title of the Invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to Microfiche Appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings *(if filed)*
-Claim(s)
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 22]
4. ☒ Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☐ Incorporation By Reference *(useable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Copy
b. ☐ Paper Copy (identical to computer copy)
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ Small Entity ☒ Statement filed in prior application, Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: $\phi\phi$

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08/738,944 filed October 24, 1996.**18. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

20583

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

NAME

ADDRESS

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	3	-20	0	\$22.00 each	0.00
Independent	1	-3	0	\$82.00 each	0.00
Basic Fee					790.00
Multiple Dependency Fee If Applicable (\$270.00)					
Total					790.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- 395.00
Total Filing Fee					\$ 395.00

4. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
5. ☒ Cancel in this application original claims 1-21 and 25-26 of the prior application before calculating the filing fee.
6. ☒ Amend the specification by inserting before the first line the following sentence: This is a ☒ continuation, ☐ division, of application no. 08/738,944, filed October 24, 1996, U.S. Patent No. 5,783,431
-
- 7a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 7b. ☐ New formal drawings are enclosed.
- 7c. ☒ Informal drawings are enclosed.
- 8a. ☐ Priority of application no. $\phi\phi$ filed on $\phi\phi$ in $\phi\phi$ is claimed under 35 U.S.C. §119.
- 8b. ☐ The certified copy has been filed in prior application no. $\phi\phi$, filed $\phi\phi$.
9. ☒ The prior application is assigned of record to Chromaxome Corporation, San Diego, California.
- 10a. ☒ The Power of Attorney appears in the original papers in the prior application no. 08/738,944, filed October 24, 1996.
- 10b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. $\phi\phi$, filed $\phi\phi$ is enclosed.
11. ☐ A preliminary amendment is enclosed.

08986186 110597

8/3 4/9/01